

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL DUANE SPIVEY,

Plaintiff,

Civil Action No.
10-CV-12651

vs.

HON. MARK A. GOLDSMITH

SAGINAW COUNTY, et al.,

Defendants.

ORDER (1) ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION,
(2) GRANTING DEFENDANT SAGINAW COUNTY'S MOTION TO DISMISS, and
(3) GRANTING DEFENDANT ERIC LARSON'S MOTION FOR SUMMARY
JUDGMENT

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Paul J. Komives, entered on June 3, 2011. The Magistrate Judge recommends that Defendant Saginaw County's motion to dismiss be granted and that Defendant Eric Larson's motion for summary judgment be granted. Plaintiff has not filed objections to the R&R, and the time to do so has expired. Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985).¹ In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, it is ORDERED as follows:

(1) The Magistrate Judge's R&R [docket entry 25] is accepted and adopted as the findings and conclusions of the Court.

(2) Defendant Saginaw County's motion to dismiss [docket entry 14] is granted.

¹ Not only has Plaintiff failed to file objections to the R&R, he has also failed to respond to the underlying motions, despite the fact that he was afforded additional time to do so. See docket entry 23.

(3) Defendant Eric Larson's motion for summary judgment [docket entry 19] is granted.

Dated: June 23, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 23, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager